

Serial No.: 10/726,685

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

patent application of
Keisuke Ban, et al.

Docket No. 02410265D1

Serial No.: 10/726,685

Group Art Unit: No. 1725

Filed: December 4, 2003

Examiner: Kuang Y. Lin

For: **CASTING METHOD AND CASTING APPARATUS**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE

Sir:

Applicants have authorized the Examiner to amend the preamble of claims 10 and 19 as follows:

A gravity die casting apparatus for performing a casting while an oxide film formed on a surface of a molten metal is reduced by allowing the molten metal and a reducing compound, introduced by a means for precipitating the reducing compound on a die cavity,

Applicants appreciate the courtesies and assistance extended by the Examiner in order to gain allowance of the application. As discussed during an Examiner telephonic interview, though, Applicants are not aware of any prior art which precipitated this amendment to the preamble of claims 10 and 19.

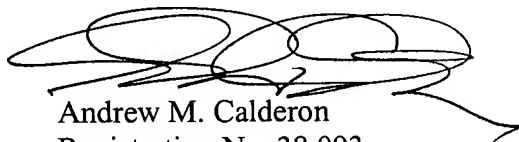
Applicants submit that this amendment was made for clarity and to expedite the allowance of the claims. This amendment should not be considered a narrowing amendment made for reasons of patentability.

Applicants remain of the opinion that sufficient structure to define the invention is provided in the body of the claim, and the body of the claim describes a structurally complete invention such that deletion of the amended phrase in the preamble would not affect the structure of the claimed invention.

Applicants contend that there is no requirement for reliance on the preamble to distinguish the claimed invention from the prior art. Thus, in context, the amended phrase in the preamble is provided as a supplement for clarity only and does not add anything to this highly detailed claim and thus should not be relied upon for interpretation purposes in accordance with *Kropa v. Robie*, 187 F.2d 150, 152 (CCPA 1951).

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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